

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1987

DATE: September 18, 2002

PROPOSAL: A special permit to exceed the maximum height permitted in the district from 75' to 100' to allow a flagpole.

LAND AREA: Approximately .9 acres.

CONCLUSION: This request is consistent with the requirements of the Zoning Ordinance and Design Standards.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 3, Sun Valley Addition

LOCATION: 110 West O Street

APPLICANT: Gerry McCracken
7510 North Hampton Road
Lincoln, NE 68506 (402) 488-1426

OWNER: Mission 3, LLC
2527 Randolph Street
Lincoln, NE 68510 (402) 435-3509

CONTACT: Capitol Sign Company
3421 North 35th Circle
Lincoln, NE 68504 (402) 466-7446

EXISTING ZONING: I-1 Industrial District

EXISTING LAND USE: Commercial (Convenience Store)

SURROUNDING LAND USE AND ZONING:

North:	Heavy Equipment Sales	I-1
South:	Auto Sales	I-1
East:	Restaurant/Retail	I-1
West:	Auto Sales	I-1

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates industrial land use in this area.

HISTORY: SP#1974 - Approved June 12, 2002, this special permit allows the sale of alcohol for consumption off the premises from the convenience store.

TOPOGRAPHY: The land is flat across this site.

ANALYSIS:

OVERVIEW: This site is northwest of the intersection of West O and North 1st Streets in an industrially-zoned district. A convenience food store/service station with a detached car wash has been built on the site with a drive-thru window where goods including alcohol may be purchased. This special permit request is to allow a 100' flag pole between the fuel pump canopy on the south side of the convenience store and West O Street.

1. The 75' height limit in the I-1 district can be exceeded with an approved special permit per Lincoln Municipal Code (LMC) Section 27.63.250. Chapter 3.25 of the City of Lincoln Design Standards is also applicable.
2. This site is within the Capitol View Corridor that extends from downtown west along West O Street. As with all proposals located in a Capitol View Corridor, staff conducts a review to determine the level of impact upon the corridor, and if warranted will forward the application to the Capitol Environs Commission for consideration. Staff has reviewed this application and has made a finding that the impact upon the Capitol View Corridor is not significant and no further review is necessary. The review from Ed Zimmer, Historic Preservation Planner, is attached.
3. The Lincoln Airport Authority reviewed this application, and while the Authority notes that a height permit is required, does not object to the request.
4. There is no fall zone specified in the LMC for flag poles, however Chapter 27.68 (Wireless Facilities) does specify a fall zone for broadcast towers equal to half the height of the tower at its base. Using that standard as a guideline, with the exception of the owner's fuel canopy, this flag pole has a fall zone that is more than 100' from any structure on adjacent properties. It is also 60' from West O Street, and 100' from North 1st Street.
5. The height limit of the I-1 district is 75'. Additionally, LMC Section 27.71.020 allows mechanical appurtenances on the top a building to exceed this height by 20'. Together, portions of structures allowed in this area could potentially reach 95' in height. Given that, the proposed flagpole is only 5' higher and is consistent with the potential maximum height allowed in the I-1 district.

CONDITIONS

Site Specific:

1. This approval permits a 100' flagpole.

General:

2. Before receiving building permits:

- 2.1 The construction plans comply with the approved plans.

Standard Conditions:

3. The following conditions are applicable to all requests:

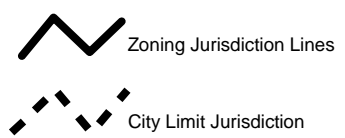
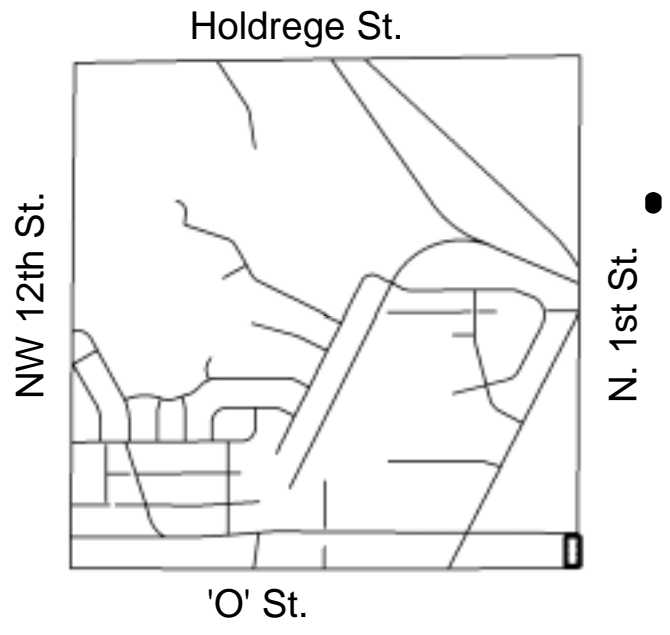
- 3.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

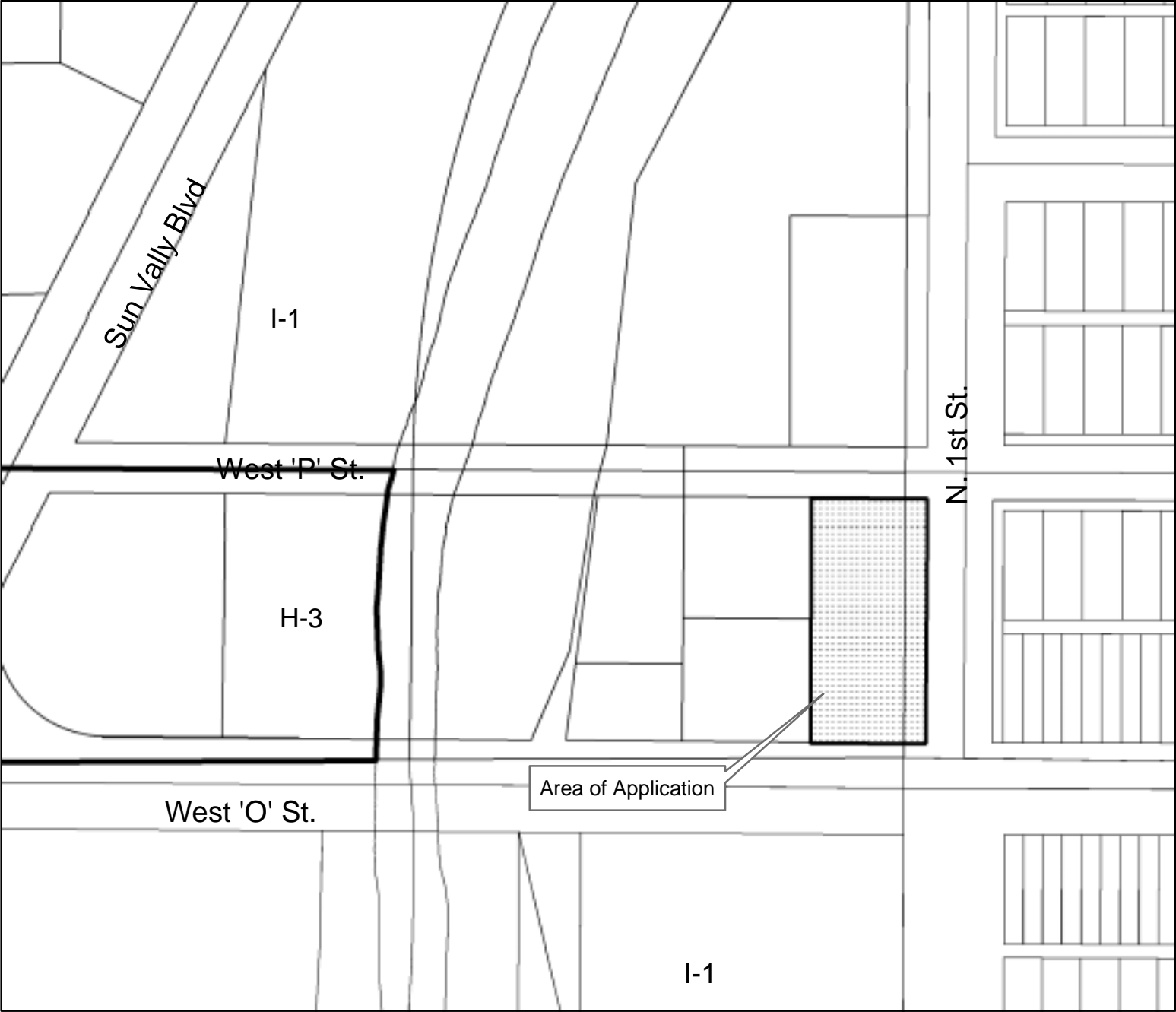
Prepared by:

Brian Will
Planner



Special Permit #1987
1st & West 'O' St.
U-Stop



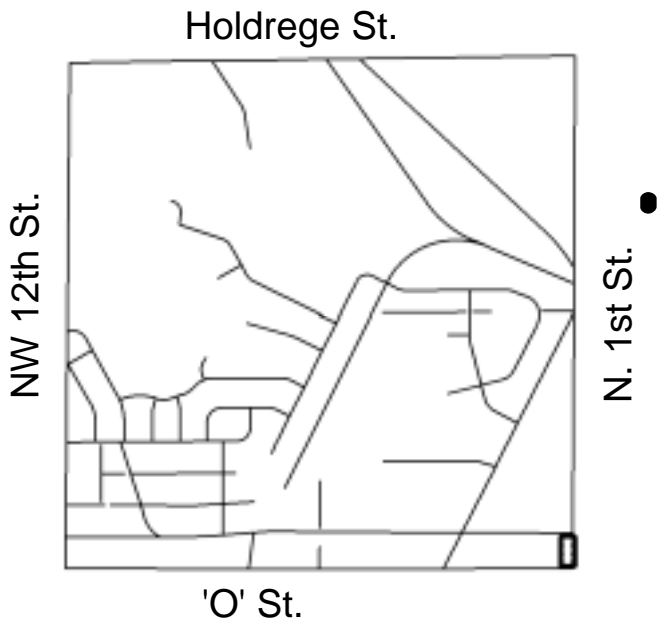
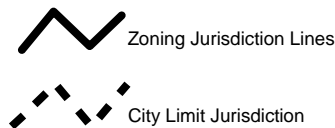


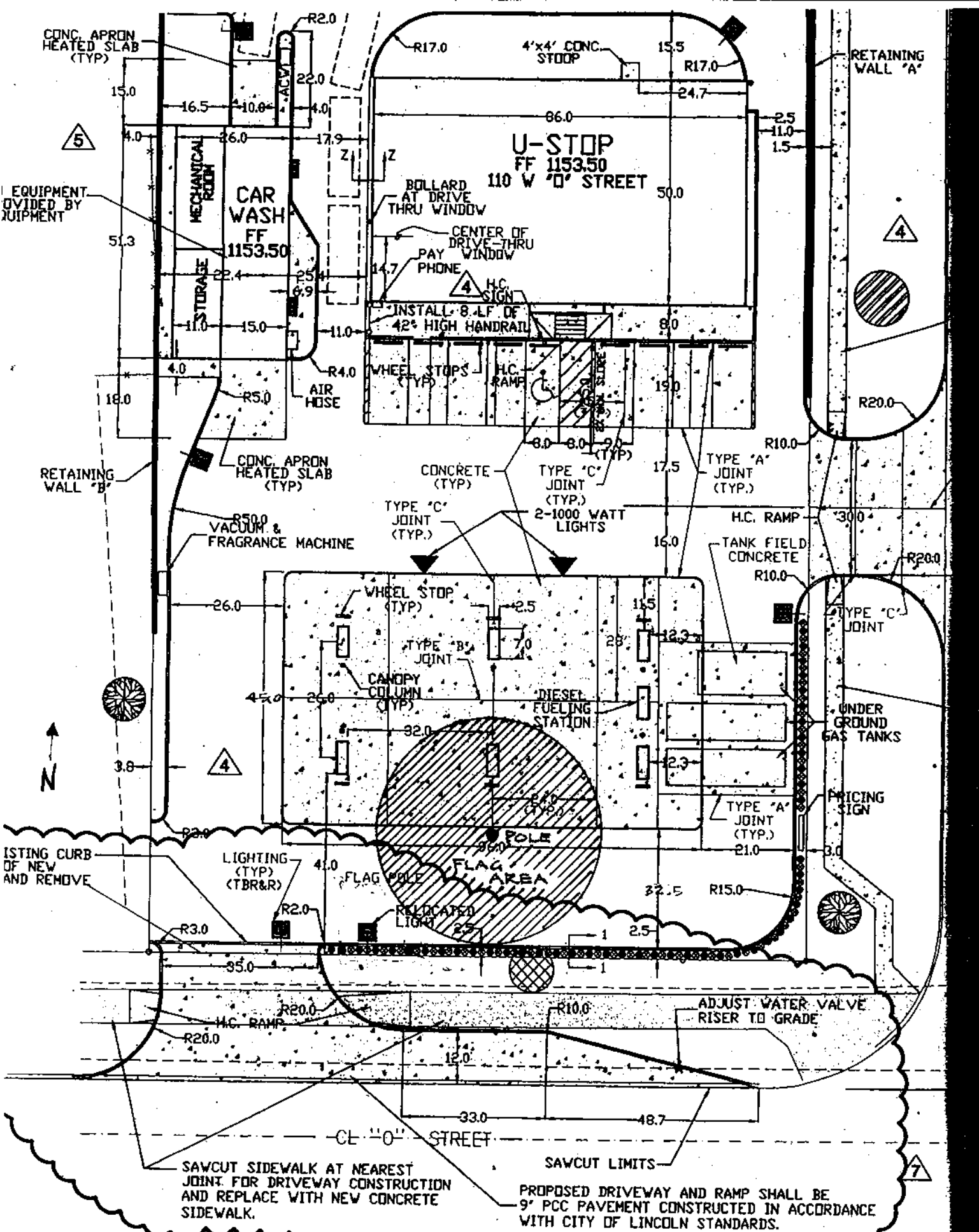
Special Permit #1987
1st & West 'O' St.
U-Stop

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Convervation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 22 T10N R6E



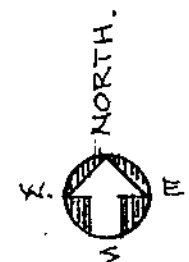
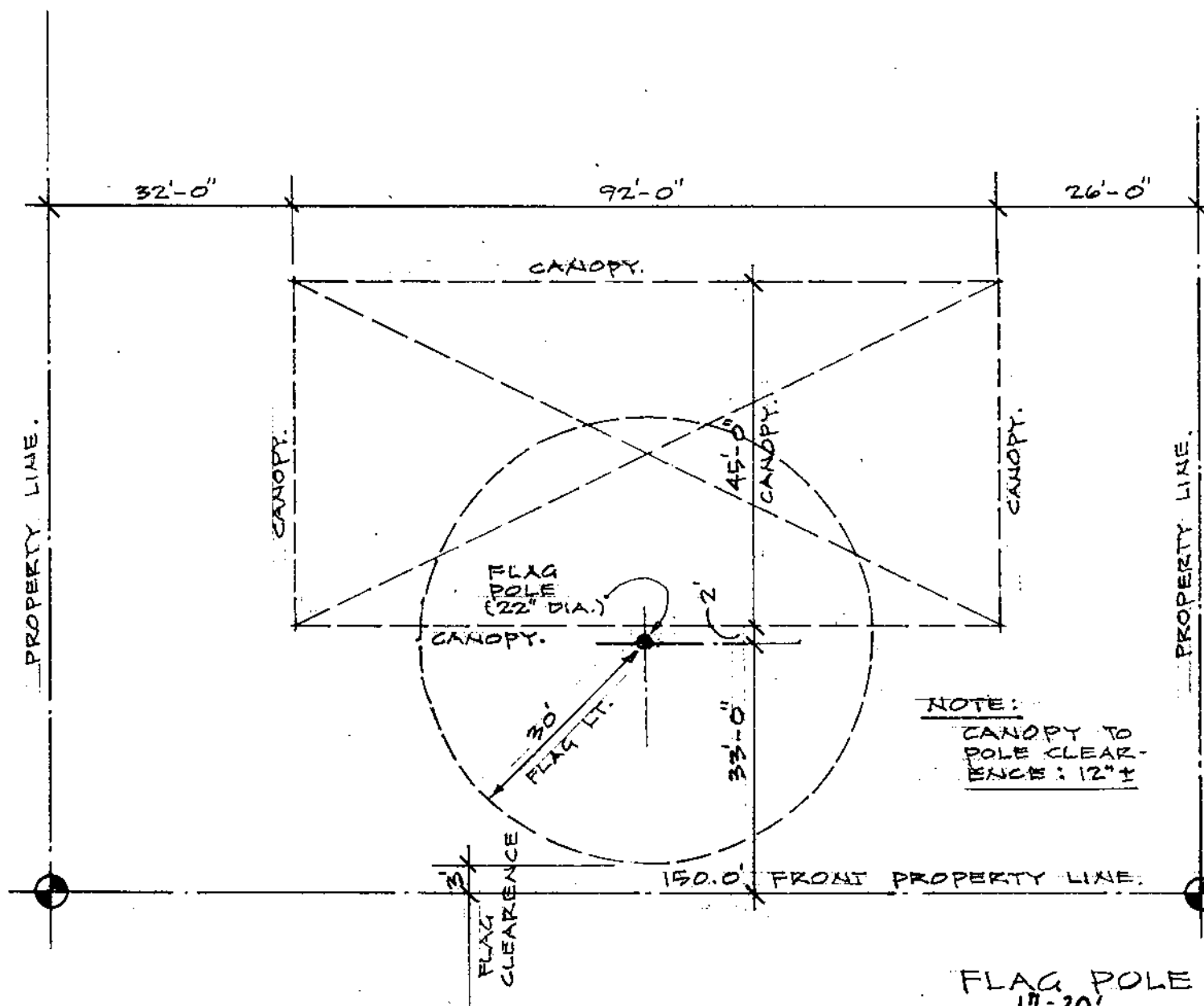


FLAG POLE INSTALLATION FOR WHITEHEAD OIL COMPANY.

LOCATION: 110 WEST "O" ST.

SCALE: SHOWN

DATE: AUG. 29, 2002



FLAG POLE LOCATION.

1" = 20'

CURB.

CURB.

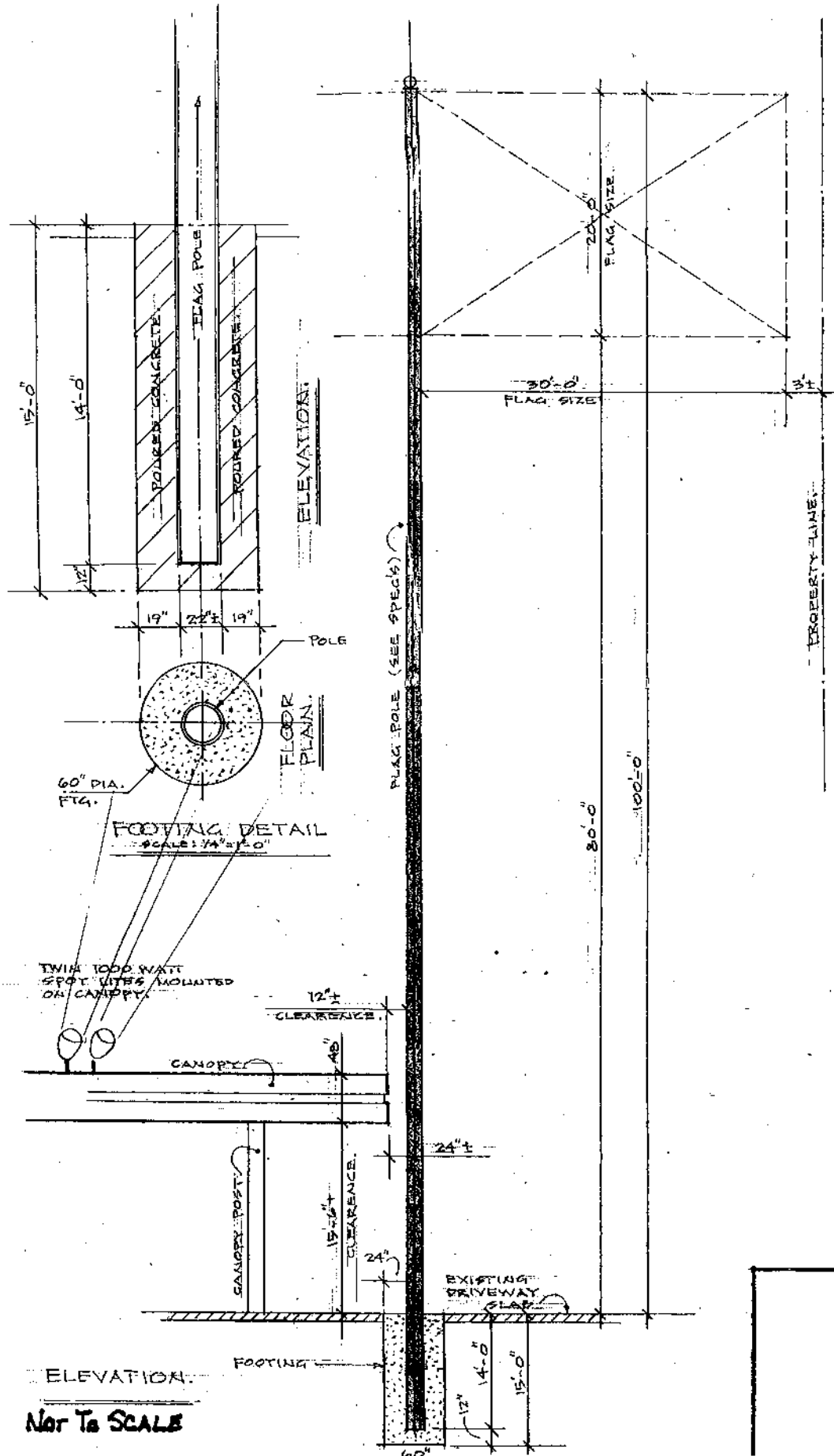
FLAG POLE INSTALLATION FOR WHITEHEAD OIL COMPANY

SHEET:

LOCATION: 110 WEST "D" ST. LINCOLN, NEBR.

SCALE: SHOWN.

DATE: AUG. 29, 2002



Not To SCALE



Edward Zimmer

To: Brian J Will/Notes@Notes

cc:

09/18/2002 04:42 PM

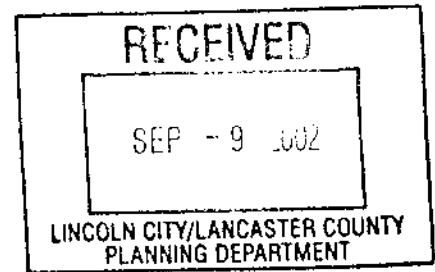
Subject: Re: SP#1987

Brian,

As you identified, the 100' flagpole proposed by SP1987 would be in a Capitol View Corridor or Corridors, specifically "Country View Corridor 10d" and "10e" as described in the "Urban Design Plan for the Capitol Environs" of 1977. The location at 1st and O Streets is not within any of the City View Corridors identified in that plan.

The key views described in association with Corridor 10e occur along Highway 34 between 3 and 4 miles east of Seward. Corridor 10d is more complex, protecting distant views along the Interstate a few miles west of the Seward County line, nearer Interstate views around NW84th to NW48th Streets, and Highway 6/O Street views from around Emerald all the way to the Harris Overpass.

In my experience, the more distant views on Highway 34, West O Street, and the Interstate will not be impacted by a structure such as a flagpole, even if the flag is flown at night and illuminated. As for the nearer views along West O street, as one draws nearer to the Capitol, its location about 2000 feet south of O Street means that the angle of view becomes increasingly southward, and the position of the proposed flagpole on the north side of O St. should place it well outside the critical areas of those views. Therefore it is my opinion that the proposal will have no impact on the identified, significant public viewing opportunities of the Capitol tower.



September 6, 2002

Mr. Brian Will, Project Planner
Lincoln/Lancaster County Planning
555 So. 10th St., Suite 213
Lincoln, NE 68508

Subject: Special Permit #1987

Mr. Will:

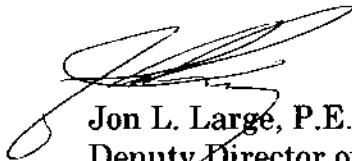
We have reviewed the subject special permit request and have the following comments.

- The proposed development appears to be in the outer approach zone for Runway 32, per the Lincoln Airport Zoning Map. Our interpretation of chapter 27 is that since the tower exceeds 75' above the natural ground, in an outer approach zone, a height permit is required.
- On the height permit attached to your transmittal, Item 5., Elevation of closest point on a runway, should be 1175.9, the elevation of Runway 35R per the Lincoln Airport Zoning Map.
- Although the tower location is within 20,000 ft of a public use airport, it does not appear to exceed a 100:1 surface from any point on the runway and so does not require the proponent file a Form 7460 with the FAA prior to construction.

If you have any questions concerning our comments, please give me a call.

Sincerely,

AIRPORT AUTHORITY



Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb